

Reedley Police Officer Javier Bejar. Deputy Wahlenmaier and Officer Bejar were tragically killed in the line of duty while helping officers with the California Fire Marshal's office serve a warrant on a suspected arsonist in Minkler, CA.

Deputy Wahlenmaier was born in Bakersfield, CA, and raised in Fresno. After spending his early career in construction, Deputy Wahlenmaier joined the Fresno County Sheriff's Department in 1998. During his tenure with the department, he worked as a detective in the homicide and property crime bureaus and he was a longtime member of the department's search and rescue team.

Deputy Wahlenmaier is survived by his wife Beverly and children Amy and Austin. He had a profound love of the outdoors. He was a skilled fisherman and hunter who enjoyed skiing and water sports. Those who knew Deputy Wahlenmaier will always remember him as a trusted, caring, and kind colleague and friend, and above all else, a devoted family man.

Officer Bejar was born in Mexico and moved to the United States with his family at the age of 3. He grew up in Orange Cove in Fresno County. While a student at Reedley High School, he became an Explorer Scout in the Reedley Police Department Police Explorer Program, which teaches young people interested in pursuing a law enforcement career the fundamentals of police service. After graduating from high school, he joined the U.S. Marine Corps, during which time he served a 14-month tour in Iraq and Kuwait and earned the rank of sergeant before he was honorably discharged. Officer Bejar joined the Reedley Police Department in 2005. He was named the Reedley Police Department Officer of the Year in 2007 and he received a life-saving medal in 2009.

Officer Bejar is survived by his wife Miriam, his parents, and seven siblings. He will always be remembered as a gentleman with an engaging personality who was committed to his job and family.

Deputy Wahlenmaier and Officer Bejar dutifully served the residents of Fresno County with great selflessness, integrity, and valor. Their devotion to help others and passion to make a positive impact on the community epitomize the best ideals of law enforcement. Their lasting contributions to public safety and law enforcement are greatly appreciated. They will be sorely missed.

We shall always be grateful for Deputy Wahlenmaier and Office Bejar's heroic service and the sacrifices that they made while serving the community and the people they loved.●

TRIBUTE TO LIEUTENANT GENERAL EMERSON GARDNER, JR.

● Ms. MIKULSKI. Mr. President, today I wish to thank LTG Emerson Gardner, Jr. for his outstanding service to our

great Nation and to congratulate him on the occasion of his retirement.

Lieutenant General Gardner hails from the great State of Maryland and next week he will retire from the U.S. Marine Corps after 37 years of faithful and superb service. Duty, honor, country—the Marine Corps motto—are not just words to him. I am so proud of General Gardner's accomplishments and service and would like to share a bit more about this great marine.

Lieutenant General Gardner is a 1973 cum laude graduate of Duke University. He was named an Olmsted Scholar in 1978 and studied history and political science for 2 years at Goettingen, Germany. He is a graduate of The Basic School, Defense Language Institute, Marine Corps Command and Staff College, Armed Forces Staff College, the Norwegian Defense College and the National Security Leadership Course at the Maxwell School of Citizenship and Public Affairs at Syracuse University.

As a distinguished naval aviator, Lieutenant General Gardner served as a helicopter pilot in all three Marine air wings. He was hand-picked to serve as a White House liaison officer and Presidential helicopter command pilot for President Ronald Reagan. As commanding officer of HMM-261, Lieutenant General Gardner led the Raging Bulls in Operation Sharp Edge, the evacuation of Liberia, and into major combat operations during Operations Desert Shield and Storm. It is also important to note that during his career, he has accumulated more than 4,300 flight hours in most of the aircraft currently in the Marine Corps inventory.

Lieutenant General Gardner also served as one of seven Marine Expeditionary Unit commanders in the world. As the commanding officer of the 26th Marine Expeditionary Unit, Special Operations Capable, he led Operation Silver Wake, the noncombatant evacuation, NEO, of Albania, Operation Guardian Retrieval, contingency support for a NEO of Kinshasa, Zaire and Dynamic Response, the first employment of SACEUR's Strategic Reserve into Bosnia.

Lieutenant General Gardner has served as G-3 current ops officer with the 9th Marine Amphibious Brigade in Okinawa, deputy G-3 for II Marine Expeditionary Force and as the J-3, operations officer, for the Standing Joint Task Force, MARFORLANT. He was also the assistant chief of staff for operations and logistics at Allied Forces Northern Europe at Kolsas, Norway and at Allied Forces Northwestern Europe, in High Wycombe, England. Soon after this assignment, he served as assistant deputy commandant for aviation at Headquarters Marine Corps, Washington, DC. His tour as the deputy commander of U.S. Marine Corps Forces, Atlantic included extended temporary additional duty as the deputy J-3 for current operations at U.S. Central Command in support of Operation Enduring Freedom. General Gardner served as the director for oper-

ations, J3 at U.S. Pacific Command, the deputy commandant for programs and resources at Headquarters, Marine Corps and currently as the director for cost assessment and program evaluation for the Secretary of Defense.

With such an honorable and distinguished career, it is only fitting that I share with you his long list of military awards and decorations which include the Defense Distinguished Service Medal, multiple awards of the Defense Superior Service Medal, Legion of Merit, Defense Meritorious Service Medal, Meritorious Service Medal, Air Medal, Navy Commendation Medal and the Presidential Service Badge.

Under Lieutenant General Gardner's guidance, the Marine Corps expanded its personnel and strengthened its readiness. He led the Marine Corps' efforts to acquire MRAPs and other vital equipment so needed by our marines, soldiers and airmen in Iraq and Afghanistan. As a result of his work, the force has never been stronger and it is his honesty and integrity which both his subordinates and superiors admire. Anyone who knows General Gardner knows of his commitment to lead and mentor young marines, his dynamic and persuasive personality, his careful, thoughtful and precise preparation of all things—mission or brief—and of course, his steadfast and unwavering dedication to the men and women serving in the U.S. Marine Corps.

The history of our great Nation is comprised of men, just like General Gardner, who have so bravely fought for the ideals of freedom and democracy. It is humbling for those of us who, far from the dangers they have faced, live our lives in relative comfort and ease. Today our country owes General Gardner, as well as his wife Vivian, and children Phil, the oldest Nick, a corporal in the Marine Corps who served in Iraq, Christian, a lance corporal who will deploy to Afghanistan in June as a Marine Corps sniper, and Marc who wants to be an engineer, our warmest of thanks and deepest appreciation for all that they have done. I offer my sincerest gratitude for his decades of service and I salute LTG Emerson Gardner as he retires from the U.S. Marine Corps. Semper Paratus!

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER
COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4944. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Continuation of Essential Contractor Services" (DFARS Case 2009-D017) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Armed Services.

EC-4945. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary of the Army (Acquisitions, Logistics and Technology), received in the Office of the President of the Senate on March 3, 2010; to the Committee on Armed Services.

EC-4946. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Unfair or Deceptive Acts or Practices" (RIN3133-AD47) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4947. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Secondary Capital Accounts" (RIN3133-AD67) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4948. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; 1-Hour Ozone Extreme Area Plan for San Joaquin Valley, CA" (FRL No. 9108-4) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Environment and Public Works.

EC-4949. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; NSR Reform Regulations—Notice of Action Denying Petition for Reconsideration and Request for Administrative Stay" (FRL No. 9123-4) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Environment and Public Works.

EC-4950. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Determination of Nonattainment and Reclassification of the Atlanta, Georgia, 8-Hour Ozone Nonattainment Area; Correction" (FRL No. 9122-1) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Environment and Public Works.

EC-4951. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Michigan: Final Authorization of State Hazardous Waste Management Program Revision" (FRL No. 9121-2) received in

the Office of the President of the Senate on March 2, 2010; to the Committee on Environment and Public Works.

EC-4952. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Paints and Allied Products Manufacturing—Technical Amendment" (FRL No. 9122-9) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Environment and Public Works.

EC-4953. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Priorities List, Final Rule—Gowanus Canal" (FRL No. 9120-8) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Environment and Public Works.

EC-4954. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Priorities List, Final Rule No. 49" (FRL No. 9120-7) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Environment and Public Works.

EC-4955. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Source-Specific Federal Implementation Plan for Navajo Generating Station; Navajo Nation" (FRL No. 9122-3) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Environment and Public Works.

EC-4956. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Technical Amendment to the Outer Continental Shelf Air Regulations Consistency Update; Correction" (FRL No. 9123-1) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Environment and Public Works.

EC-4957. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Reduced 2009 Estimated Income Tax Payments for Individuals with Small Business Income" (RIN1545-B189) received in the Office of the President of the Senate on March 3, 2010; to the Committee on Finance.

EC-4958. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, a report entitled, "Report to the Congress: Medicare Payment Policy"; to the Committee on Finance.

EC-4959. A communication from the Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, the Agency's response to the GAO report entitled "UN OFFICE FOR PROJECT SERVICES: Management Reforms Proceeding but Effectiveness Not Assessed, and USAID's Oversight of Grants Has Weaknesses"; to the Committee on Foreign Relations.

EC-4960. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule

entitled "Multiemployer Pension Plan Information Made Available on Request" (RIN1210-AB21) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-4961. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Interim Final Rules under the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008" (RIN0938-AP65) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-4962. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report entitled "District's Earmark Process Needs Improvement"; to the Committee on Homeland Security and Governmental Affairs.

EC-4963. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Crab Rationalization Program; Emergency Rule" (RIN0648-AY52) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4964. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Data Collection for the Trawl Rationalization Program" (RIN0648-AX98) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4965. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Initial Implementation of the Western and Central Pacific Fisheries Convention; Correction" (RIN0648-AV63) received in the Office of the President of the Senate on March 3, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4966. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries in the Western Pacific; Pelagic Fisheries; Vessel Identification Requirements; Correction" (RIN0648-AY52) received in the Office of the President of the Senate on March 3, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4967. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands; Final 2009 and 2010 Harvest Specifications for Groundfish; Correction" (RIN0648-XL28) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4968. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled